



**RULE-MAKING ORDER
(RCW 34.05.360)**

CR-103 (7/10/97)
 Permanent Rule
 Emergency Rule
 Expedited Adoption
 Expedited Repeal

Agency: Energy Facility Site Evaluation Council

(1) Date of Adoption December 8, 1997

(2) Purpose

The amendment updates the introductory section in Chapter 463-06 WAC.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 463-06-010

Suspended:

(4) Statutory authority for adoption: RCW 80.50.040(1)

Other authority:

PERMANENT RULE ONLY (including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-19-061 on 09/15/97 (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes If Yes, explain:

No

(6) Effective date of rule:

Permanent Rules

Expedited Rule Making

31 days after filing

Other (specify)

Emergency Rules

Immediately

Later

NAME (TYPE OR PRINT)

C. Robert Wallis

SIGNATURE

TITLE

Acting Chair

DATE

12/08/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 12 1997

4:32

TIME

98-01-079

AM
PM

NOTE: If any category is left blank, it will be calculated as zero.
No descriptive t.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	0	Repealed
Federal rules or standards:	New	Amended	0	Repealed
Recently enacted state statutes:	New	Amended	0	Repealed

The number of sections adopted at the request of a nongovernmental entity.

New Amended 0 Repealed

The number of sections adopted on the agency's own initiative:

New Amended 1 Repealed

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New Amended 0 Repealed

The number of sections adopted using:

Negotiated rule making:	New	Amended	0	Repealed
Pilot rule making:	New	Amended	0	Repealed
Other alternative rule making:	New	Amended	0	Repealed

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-06-010 Organization of this title. This title (Title 463 WAC) contains the regulations by which the energy facility site evaluation council (hereafter, the council) functions under state and federal law.

Chapter 463-06 WAC contains general informational provisions relating to agency operation and public records handling which are required by the state Administrative Procedure Act and state laws relating to public records.

Chapter 463-10 WAC contains definitions of terms used throughout this title.

Chapter 463-14 WAC sets forth a number of significant policy and interpretive provisions relating to the scope and application of chapter 80.50 RCW and these rules.

Chapter 463-18 WAC deals with procedures for the conduct of business at regular and special council meetings.

Chapter 463-22 WAC sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 WAC sets forth procedures governing the public hearings referred to in RCW 80.50.090 (1), (2), and (4).

Chapter 463-28 WAC sets forth the council's procedures in determining whether to recommend that the state preempt local land use plans or zoning ordinances for a site.

Chapter 463-30 WAC contains procedural provisions governing adjudicative proceedings held pursuant to RCW 80.50.090(3).

Chapter 463-34 WAC outlines procedures for rule making and for obtaining declaratory orders from the council.

Chapter 463-36 WAC sets forth the council's procedures in amending or terminating a site certification agreement.

Chapter 463-38 WAC contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-39 WAC provides the basic framework for the conduct of the council's responsibilities for air pollution prevention and control.

Chapter 463-42 WAC embodies council procedures and guidelines governing preparation of applications for energy facility site certification.

~~((Chapter 463-46 WAC contains guidelines relating to information which may have to be included in an application for site certification pursuant to the State Environmental Policy Act.))~~

Chapter 463-43 WAC sets forth requirements for preparation and processing of applications which qualify for expedited processing.

Chapter 463-47 WAC implements the state-wide SEPA rules in chapter 197-11 WAC.

Chapter 463-50 WAC defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and 80.50.175.

Chapter 463-54 WAC sets forth procedures and guidelines for performance of surveillance monitoring by the council pursuant to RCW 80.50.040(11).

Chapter 463-58 WAC contains rules relating to independent consultant fees for potential site study, application processing, and compliance determination.